

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NOS. 872, 754 & 669**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Transportation April 13, 2006 with recommendation that House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 872, 754 & 669 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3937L.06C

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**AN ACT**

To repeal sections 210.104, 210.106, 210.107, 302.302, 304.022, 304.070, 304.351, 304.580, and 307.178, RSMo, and to enact in lieu thereof ten new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, children, and other motorists, with penalty provisions and an effective date for a certain section.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 210.104, 210.106, 210.107, 302.302, 304.022, 304.070, 304.351, 2 304.580, and 307.178, RSMo, are repealed and ten new sections enacted in lieu thereof, to be 3 known as sections 210.106, 302.302, 304.022, 304.070, 304.351, 304.580, 304.582, 304.585, 4 307.178, and 307.182, to read as follows:

210.106. In no event shall failure to employ a child passenger restraint system required 2 by section [210.104] **307.182, RSMo**, provide the basis for a claim of civil liability or negligence 3 or contributory negligence of any person in any action for damages by reason of injury sustained 4 by a child; nor shall such failure to employ such child passenger restraint system be admissible 5 as evidence in the trial of any civil action.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:
- (1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 . . . . . 2 points  
(except any violation of municipal stop sign ordinance where no accident is involved . . . . . 1 point)
  - (2) Speeding
    - In violation of a state law . . . . . 3 points
    - In violation of a county or municipal ordinance . . . . . 2 points
  - (3) Leaving the scene of an accident in violation of section 577.060, RSMo . . . . . 12 points
    - In violation of any county or municipal ordinance . . . . . 6 points
  - (4) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo . . . . . 4 points
    - In violation of a county or municipal ordinance . . . . . 2 points
  - (5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:
    - (a) For the first conviction . . . . . 2 points
    - (b) For the second conviction . . . . . 4 points
    - (c) For the third conviction . . . . . 6 points
  - (6) Operating with a suspended or revoked license prior to restoration of operating privileges . . . . . 12 points
  - (7) Obtaining a license by misrepresentation . . . . . 12 points
  - (8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs . . . . . 8 points
  - (9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight . . . . . 12 points
  - (10) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight
    - In violation of state law . . . . . 8 points
    - In violation of a county or municipal ordinance or federal law or regulation . . . . . 8 points

- 36 (11) Any felony involving the use of a motor vehicle . . . . . 12 points  
37 (12) Knowingly permitting unlicensed operator to operate a motor vehicle . 4 points  
38 (13) For a conviction for failure to maintain financial responsibility pursuant  
39 to county or municipal ordinance or pursuant to section 303.025, RSMo . . . . . 4 points  
40 **(14) Endangerment of a highway worker in violation of section**  
41 **304.585, RSMo . . . . . 4 points**  
42 **(15) Aggravated endangerment of a highway worker in violation of**  
43 **section 304.585, RSMo . . . . . 12 points**  
44 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess  
45 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section  
46 302.020, when the director issues such operator a license or permit pursuant to the provisions  
47 of sections 302.010 to 302.340.  
48 3. An additional two points shall be assessed when personal injury or property damage  
49 results from any violation listed in **subdivisions (1) to (13) of** subsection 1 of this section and  
50 if found to be warranted and certified by the reporting court.  
51 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this  
52 section constitutes both a violation of a state law and a violation of a county or municipal  
53 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an  
54 offense arising out of the same occurrence could be construed to be a violation of subdivisions  
55 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more  
56 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for  
57 offenses arising out of the same occurrence.  
58 5. The director of revenue shall put into effect a system for staying the assessment of  
59 points against an operator. The system shall provide that the satisfactory completion of a  
60 driver-improvement program or, in the case of violations committed while operating a  
61 motorcycle, a motorcycle-rider training course approved by the [director of the department of  
62 public safety] **state highways and transportation commission**, by an operator, when so ordered  
63 and verified by any court having jurisdiction over any law of this state or county or municipal  
64 ordinance, regulating motor vehicles, other than a violation committed in a commercial motor  
65 vehicle as defined in section 302.700 or a violation committed by an individual who has been  
66 issued a commercial driver's license or is required to obtain a commercial driver's license in this  
67 state or any other state, shall be accepted by the director in lieu of the assessment of points for  
68 a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to  
69 subsection 3 of this section. For the purposes of this subsection, the driver-improvement  
70 program shall meet or exceed the standards of the National Safety Council's eight-hour

71 "Defensive Driving Course" or, in the case of a violation which occurred during the operation  
72 of a motorcycle, the program shall meet the standards established by the [director of the  
73 department of public safety] **state highways and transportation commission** pursuant to  
74 sections 302.133 to 302.138. The completion of a driver-improvement program or a  
75 motorcycle-rider training course shall not be accepted in lieu of points more than one time in any  
76 thirty-six-month period and shall be completed within sixty days of the date of conviction in  
77 order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant  
78 to the provisions of this subsection shall, within fifteen days after completion of the  
79 driver-improvement program or motorcycle-rider training course by an operator, forward a  
80 record of the completion to the director, all other provisions of the law to the contrary  
81 notwithstanding. The director shall establish procedures for record keeping and the  
82 administration of this subsection.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal  
2 by siren or while having at least one lighted lamp exhibiting red light visible under normal  
3 atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a  
4 flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall  
5 yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible  
6 to the right of, the traveled portion of the highway and thereupon stop and remain in such  
7 position until such emergency vehicle has passed, except when otherwise directed by a police  
8 or traffic officer.

9 2. Upon approaching a stationary emergency vehicle displaying lighted red or red and  
10 blue lights, the driver of every motor vehicle shall:

11 (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety  
12 and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary  
13 vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the  
14 same direction as the approaching vehicle; or

15 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe  
16 speed for road conditions, if changing lanes would be unsafe or impossible.

17 3. [The motorman of every streetcar shall immediately stop such car clear of any  
18 intersection and keep it in such position until the emergency vehicle has passed, except as  
19 otherwise directed by a police or traffic officer.

20 4.] An "emergency vehicle" is a vehicle of any of the following types:

21 (1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri  
22 capitol police, or a state park ranger, those vehicles operated by enforcement personnel of the  
23 state highways and transportation commission, police or fire department, sheriff, constable or

24 deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests  
25 for violations of the laws of the United States, traffic officer or coroner or by a privately owned  
26 emergency vehicle company;

27 (2) A vehicle operated as an ambulance or operated commercially for the purpose of  
28 transporting emergency medical supplies or organs;

29 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo;

30 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or  
31 public service corporation while performing emergency service;

32 (5) Any vehicle transporting equipment designed to extricate human beings from the  
33 wreckage of a motor vehicle;

34 (6) Any vehicle designated to perform emergency functions for a civil defense or  
35 emergency management agency established pursuant to the provisions of chapter 44, RSMo;

36 (7) Any vehicle operated by an authorized employee of the department of corrections  
37 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage  
38 incident, escape or other critical situation where there is the threat of serious physical injury or  
39 death, responding to mutual aid call from another criminal justice agency, or in accompanying  
40 an ambulance which is transporting an offender to a medical facility;

41 (8) Any vehicle designated to perform hazardous substance emergency functions  
42 established pursuant to the provisions of sections 260.500 to 260.550, RSMo.

43 [5.] 4. (1) The driver of any vehicle referred to in [subsection 4] **subsection 3** of this  
44 section shall not sound the siren thereon or have the front red lights or blue lights on except when  
45 such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law  
46 violator, or when responding to, but not upon returning from, a fire.

47 (2) The driver of an emergency vehicle may:

48 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

49 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be  
50 necessary for safe operation;

51 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or  
52 property;

53 (d) Disregard regulations governing direction of movement or turning in specified  
54 directions.

55 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this  
56 subsection shall apply only when the driver of any such vehicle while in motion sounds audible  
57 signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle

58 is equipped with at least one lighted lamp displaying a red light or blue light visible under normal  
59 atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

60 [6.] 5. No person shall purchase an emergency light as described in this section without  
61 furnishing the seller of such light an affidavit stating that the light will be used exclusively for  
62 emergency vehicle purposes.

63 [7.] 6. Violation of this section shall be deemed a class [B] A misdemeanor.

304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of  
2 section 304.050 is guilty of a class A misdemeanor. In addition, beginning July 1, 2005, the  
3 court may suspend the driver's license of any person who violates the provision of subsection 1  
4 of section 304.050. If ordered by the court, the director shall suspend the driver's license for  
5 ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days  
6 for a second or subsequent offense of subsection 1 of section 304.050. **Any person who violates**  
7 **subsection 1 of section 304.050 where such violation results in the injury of any child shall**  
8 **be guilty of a class D felony. Any person who violates subsection 1 of section 304.050 where**  
9 **such violation causes the death of any child shall be guilty of a class C felony.**

10 2. Any appeal of a suspension imposed under subsection 1 of this section shall be a  
11 direct appeal of the court order and subject to review by the presiding judge of the circuit court  
12 or another judge within the circuit other than the judge who issued the original order to suspend  
13 the driver's license. The director of revenue's entry of the court-ordered suspension on the  
14 driving record is not a decision subject to review pursuant to section 302.311, RSMo. Any  
15 suspension of the driver's license ordered by the court under this section shall be in addition to  
16 any other suspension that may occur as a result of the conviction pursuant to other provisions of  
17 law.

304.351. 1. The driver of a vehicle approaching an intersection shall yield the  
2 right-of-way to a vehicle which has entered the intersection from a different highway, provided,  
3 however, there is no form of traffic control at such intersection.

4 2. When two vehicles enter an intersection from different highways at approximately the  
5 same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the  
6 vehicle on the right. This subsection shall not apply to vehicles approaching each other from  
7 opposite directions when the driver of one of such vehicles is attempting to or is making a left  
8 turn.

9 3. The driver of a vehicle within an intersection intending to turn to the left shall yield  
10 the right-of-way to any vehicle approaching from the opposite direction which is within the  
11 intersection or so close thereto as to constitute an immediate hazard.

12           4. **(1)** The state highways and transportation commission with reference to state  
13 highways and local authorities with reference to other highways under their jurisdiction may  
14 designate through highways and erect stop signs or yield signs at specified entrances thereto, or  
15 may designate any intersection as a stop intersection or as a yield intersection and erect stop signs  
16 or yield signs at one or more entrances to such intersection.

17           ~~[(1)]~~ **(2)** Preferential right-of-way at an intersection may be indicated by stop signs or  
18 yield signs as authorized in this section:

19           (a) Except when directed to proceed by a police officer or traffic-control signal, every  
20 driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly  
21 marked stop line, but if none, before entering the crosswalk on the near side of the intersection,  
22 or if none, then at the point nearest the intersecting roadway where the driver has a view of  
23 approaching traffic in the intersecting roadway before entering the intersection. After having  
24 stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection  
25 from another highway or which is approaching so closely on the highway as to constitute an  
26 immediate hazard during the time when such driver is moving across or within the intersection.

27           (b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow  
28 down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop  
29 at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where  
30 the driver has a view of approaching traffic on the intersecting roadway. After slowing or  
31 stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching  
32 on another highway so closely as to constitute an immediate hazard during the time such traffic  
33 is moving across or within the intersection.

34           5. The driver of a vehicle about to enter or cross a highway from an alley, building or any  
35 private road or driveway shall yield the right-of-way to all vehicles approaching on the highway  
36 to be entered.

37           6. The driver of a vehicle intending to make a left turn into an alley, private road or  
38 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction  
39 when the making of such left turn would create a traffic hazard.

40           7. The state highways and transportation commission or local authorities with respect  
41 to roads under their respective jurisdictions, on any section where construction or major  
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of  
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area  
44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation  
45 of section 304.010.

46           8. Notwithstanding the provisions of section 304.361, violation of this section shall be  
47 deemed a class C misdemeanor.

48           **9. In addition to the penalty specified in subsection 8 of this section, any person who**  
49 **pleads guilty to or is found guilty of a violation of this section in which the offender is**  
50 **found to have caused physical injury, there shall be assessed a penalty of up to two**  
51 **hundred dollars. The court may issue an order of suspension of such person's driving**  
52 **privilege for a period of thirty days.**

53           **10. In addition to the penalty specified in subsection 8 of this section, any person**  
54 **who pleads guilty to or is found guilty of a violation of this section in which the offender**  
55 **is found to have caused serious physical injury, there shall be assessed a penalty of up to**  
56 **five hundred dollars. The court may issue an order of suspension of such person's driving**  
57 **privilege for a period of ninety days.**

58           **11. In addition to the penalty specified in subsection 8 of this section, any person**  
59 **who pleads guilty to or is found guilty of a violation of this section in which the offender**  
60 **is found to have caused a fatality, there shall be assessed a penalty of up to one thousand**  
61 **dollars. The court may issue an order of suspension of such person's driving privilege for**  
62 **a period of six months.**

63           **12. As used in subsections 9 and 10 of this section, the terms "physical injury" and**  
64 **"serious physical injury" shall have the meanings ascribed to them in section 556.061,**  
65 **RSMo.**

66           **13. For any court-ordered suspension under subsection 9, 10, or 11 of this section,**  
67 **the director of the department shall impose such suspension as set forth in the court order.**  
68 **The order of suspension shall include the name of the offender, the offender's driver's**  
69 **license number, social security number, and the effective date of the suspension. Any**  
70 **appeal of a suspension imposed under subsection 9, 10, or 11 of this section shall be a direct**  
71 **appeal of the court order and subject to review by the presiding judge of the circuit court**  
72 **or another judge within the circuit other than the judge who issued the original order to**  
73 **suspend the driver's license. The director of revenue's entry of the court-ordered**  
74 **suspension on the driving record is not a decision subject to review under section 302.311,**  
75 **RSMo. Any suspension of the driver's license ordered by the court under this section shall**  
76 **be in addition to any other suspension that may occur as a result of the conviction under**  
77 **other provisions of law.**

          304.580. [1.] As used in [this section] sections 304.582 and 304.585, the term  
2 "construction zone" or "work zone" means any area upon or around any highway as defined in  
3 section 302.010, RSMo, which is visibly marked by the department of transportation or a



4 contractor **or subcontractor** performing work for the department of transportation as an area  
5 where construction, maintenance, **incident removal**, or other work is temporarily occurring. The  
6 term "work zone" or "construction zone" also includes the lanes of highway leading up to the  
7 area upon which an activity described in this subsection is being performed, beginning at the  
8 point where appropriate signs [directing motor vehicles to merge from one lane into another lane]  
9 **or traffic control devices** are posted or placed. **The terms "worker" or "highway worker"**  
10 **as used in sections 304.582 and 304.585 shall mean any person that is working in a**  
11 **"construction zone" or "work zone", or any employee of the department of transportation**  
12 **that is performing duties under the department's motorist assist program on a state**  
13 **highway or the right-of-way of a state highway.**

14 [2. Upon a conviction or a plea of guilty by any person for a moving violation as defined  
15 in section 302.010, RSMo, or any offense listed in section 302.302, RSMo, the court shall assess  
16 a fine of thirty-five dollars in addition to any other fine authorized to be imposed by law, if the  
17 offense occurred within a construction zone or a work zone.

18 3. Upon a conviction or plea of guilty by any person for a speeding violation pursuant  
19 to either section 304.009 or 304.010, or a passing violation pursuant to subsection 6 of this  
20 section, the court shall assess a fine of two hundred fifty dollars in addition to any other fine  
21 authorized by law, if the offense occurred within a construction zone or a work zone and at the  
22 time the speeding or passing violation occurred there was any person in such zone who was there  
23 to perform duties related to the reason for which the area was designated a construction zone or  
24 work zone. However, no person assessed an additional fine pursuant to this subsection shall also  
25 be assessed an additional fine pursuant to subsection 2 of this section, and no person shall be  
26 assessed an additional fine pursuant to this subsection if no signs have been posted pursuant to  
27 subsection 4 of this section.

28 4. The penalty authorized by subsection 3 of this section shall only be assessed by the  
29 court if the department of transportation or contractor performing work for the department of  
30 transportation has erected signs upon or around a construction or work zone which are clearly  
31 visible from the highway and which state substantially the following message: "Warning: \$250  
32 fine for speeding or passing in this work zone".

33 5. During any day in which no person is present in a construction zone or work zone  
34 established pursuant to subsection 3 of this section to perform duties related to the purpose of  
35 the zone, the sign warning of additional penalties shall not be visible to motorists. During any  
36 period of two hours or more in which no person is present in such zone on a day in which  
37 persons have been or will be present to perform duties related to the reason for which the area  
38 was designated as a construction zone or work zone, the sign warning of additional penalties

39 shall not be visible to motorists. The department of transportation or contractor performing work  
40 for the department of transportation shall be responsible for compliance with provisions of this  
41 subsection. Nothing in this subsection shall prohibit warning or traffic control signs necessary  
42 for public safety in the construction or work zone being visible to motorists at all times.

43         6. The driver of a motor vehicle may not overtake or pass another motor vehicle within  
44 a work zone or construction zone. This subsection applies to a construction zone or work zone  
45 located upon a highway divided into two or more marked lanes for traffic moving in the same  
46 direction and for which motor vehicles are instructed to merge from one lane into another lane  
47 by an appropriate sign erected by the department of transportation or a contractor performing  
48 work for the department of transportation. Violation of this subsection is a class C misdemeanor.

49         7. This section shall not be construed to enhance the assessment of court costs or the  
50 assessment of points pursuant to section 302.302, RSMo.]

**304.582. 1. Upon the first conviction or plea of guilty by any person for a moving  
2 violation as defined in section 302.010, RSMo, or any offense listed in section 302.302,  
3 RSMo, the court shall assess a fine of thirty-five dollars in addition to any other fine  
4 authorized to be imposed by law, if the offense occurred within a construction zone or a  
5 work zone. Upon a second or subsequent such conviction or plea of guilty, the court shall  
6 assess a fine of seventy-five dollars in addition to any other fine authorized to be imposed  
7 by law.**

8         **2. Upon the first conviction or plea of guilty by any person for a speeding violation  
9 under either section 304.009 or 304.010, or a passing violation under subsection 4 of this  
10 section, the court shall assess a fine of two hundred fifty dollars in addition to any other  
11 fine authorized by law if the offense occurred within a construction zone or a work zone  
12 and at the time the speeding or passing violation occurred there was any highway worker  
13 in such zone. Upon a second or subsequent such conviction or plea of guilty, the court shall  
14 assess a fine of three hundred dollars in addition to any other fine authorized by law.  
15 However, no person assessed an additional fine under this subsection shall also be assessed  
16 an additional fine under subsection 1 of this section, and no person shall be assessed an  
17 additional fine under this subsection if no signs have been posted under subsection 3 of this  
18 section.**

19         **3. The penalty authorized by subsection 2 of this section shall only be assessed by  
20 the court if the department of transportation or a contractor or subcontractor performing  
21 work for the department of transportation has erected signs upon or around a construction  
22 zone or work zone which are clearly visible from the highway and which state substantially**

23 the following message: "Warning: Minimum \$250 fine for speeding or passing in this  
24 work zone when workers are present."

25 4. The driver of a motor vehicle may not overtake or pass another motor vehicle  
26 within a work zone or construction zone as provided in this subsection. Violation of this  
27 subsection is a class C misdemeanor.

28 (1) This subsection applies to a construction zone or work zone located upon a  
29 highway divided into two or more marked lanes for traffic moving in the same direction  
30 and for which motor vehicles are instructed to merge from one lane into another lane and  
31 not pass by appropriate signs or traffic control devices erected by the department of  
32 transportation or a contractor or subcontractor performing work for the department of  
33 transportation.

34 (2) This subsection also prohibits the operator of a motor vehicle from passing or  
35 attempting to pass another motor vehicle in a work zone or construction zone located upon  
36 a two-lane highway when highway workers or equipment are working and when  
37 appropriate signs or traffic control devices have been erected by the department of  
38 transportation or a contractor or subcontractor performing work for the department of  
39 transportation.

40 5. The additional fines imposed by this section shall not be construed to enhance  
41 the assessment of court costs or the assessment of points under section 302.302, RSMo.

304.585. 1. A person shall be deemed to commit the offense of "endangerment of  
2 a highway worker" upon conviction for any of the following when the offense occurs  
3 within a "construction zone" or "work zone", as defined in section 304.580:

4 (1) Exceeding the posted speed limit by fifteen miles per hour or more;

5 (2) Passing in violation of subsection 4 of section 304.582;

6 (3) Failure to stop for a work zone flagman or failure to obey traffic control devices  
7 erected in the construction zone or work zone for purposes of controlling the flow of motor  
8 vehicles through the zone;

9 (4) Driving through or around a work zone by any lane not clearly designated to  
10 motorists for the flow of traffic through or around the work zone;

11 (5) Physically assaulting, or attempting to assault, or threatening to assault a  
12 highway worker in a construction zone or work zone, with a motor vehicle or other  
13 instrument;

14 (6) Intentionally striking, moving, or altering barrels, barriers, signs, or other  
15 devices erected to control the flow of traffic to protect workers and motorists in the work

16 zone for a reason other than avoidance of an obstacle, an emergency, or to protect the  
17 health and safety of an occupant of the motor vehicle or of another person; or

18 (7) Committing any of the following offenses for which points may be assessed  
19 under section 302.302, RSMo:

20 (a) Leaving the scene of an accident in violation of section 577.060, RSMo;

21 (b) Careless and imprudent driving in violation of subsection 4 of section 304.016;

22 (c) Operating without a valid license in violation of subdivision (1) or (2) of  
23 subsection 1 of section 302.020, RSMo;

24 (d) Operating with a suspended or revoked license;

25 (e) Driving while in an intoxicated condition or under the influence of controlled  
26 substances or drugs or driving with an excessive blood alcohol content;

27 (f) Any felony involving the use of a motor vehicle.

28 2. Upon conviction or a plea of guilty for committing the offense of "endangerment  
29 of a highway worker" under subsection 1 of this section if no injury or death to a highway  
30 worker resulted from the offense, in addition to any other penalty authorized by law, the  
31 person shall be subject to a fine of not more than one thousand dollars and shall have eight  
32 points assessed to his or her driver's license under section 302.302, RSMo, and shall be  
33 subject to the provisions of section 302.304, RSMo, regarding the suspension of the  
34 person's license and driving privileges.

35 3. A person shall be deemed to commit the offense of "aggravated endangerment  
36 of a highway worker" upon conviction or a plea of guilty for any offense under subsection  
37 1 of this section when such offense occurs in a construction zone or work zone as defined  
38 in section 304.580 and results in the injury or death of a highway worker. Upon conviction  
39 or a plea of guilty for committing the offense of aggravated endangerment of a highway  
40 worker, in addition to any other penalty authorized by law, the person shall be subject to  
41 a fine of not more than five thousand dollars if the offense resulted in injury to a highway  
42 worker and ten thousand dollars if the offense resulted in death to a highway worker. In  
43 addition, such person shall have twelve points assessed to their driver's license under  
44 section 302.302, RSMo, and shall be subject to the provisions of section 302.304, RSMo,  
45 regarding the revocation of the person's license and driving privileges.

46 4. Except for the offense established under subdivision (6) of subsection 1 of this  
47 section, no person shall be deemed to commit the offense of endangerment of a highway  
48 worker except when the act or omission constituting the offense occurred when one or  
49 more highway workers were in the construction zone or work zone.

50           **5. No person shall be cited or convicted for endangerment of a highway worker or**  
51 **aggravated endangerment of a highway worker, for any act or omission otherwise**  
52 **constituting an offense under subsection 1 of this section, if such act or omission resulted**  
53 **in whole or in part from mechanical failure of the person's vehicle or from the negligence**  
54 **of another person or a highway worker.**

307.178. 1. As used in this section, the term "passenger car" means every motor vehicle  
2 designed for carrying ten persons or less and used for the transportation of persons; except that,  
3 the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, and  
4 trucks with a licensed gross weight of twelve thousand pounds or more.

5           2. Each driver, except persons employed by the United States Postal Service while  
6 performing duties for that federal agency which require the operator to service postal boxes from  
7 their vehicles, or which require frequent entry into and exit from their vehicles, and front seat  
8 passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway  
9 in this state, and persons less than eighteen years of age operating or riding in a truck, as defined  
10 in section 301.010, RSMo, on a street or highway of this state shall wear a properly adjusted and  
11 fastened safety belt that meets federal National Highway, Transportation and Safety Act  
12 requirements[; except that, a child less than four years of age shall be protected as required in  
13 section 210.104, RSMo]. No person shall be stopped, inspected, or detained solely to determine  
14 compliance with this subsection. The provisions of this section **and section 307.182** shall not  
15 be applicable to persons who have a medical reason for failing to have a seat belt fastened about  
16 their body, nor shall the provisions of this section **and section 307.182** be applicable to persons  
17 while operating or riding a motor vehicle being used in agricultural work-related activities.  
18 Noncompliance with this subsection shall not constitute probable cause for violation of any other  
19 provision of law. **The provisions of this subsection shall not apply to the transporting of**  
20 **children under sixteen years of age, as provided in section 307.182.**

21           3. Each driver of a motor vehicle transporting a child [four years of age or more, but] less  
22 than sixteen years of age[,] shall secure the child in a properly adjusted and fastened [safety belt]  
23 **restraint under section 307.182.**

24           4. In any action to recover damages arising out of the ownership, common maintenance  
25 or operation of a motor vehicle, failure to wear a safety belt in violation of this section shall not  
26 be considered evidence of comparative negligence. Failure to wear a safety belt in violation of  
27 this section may be admitted to mitigate damages, but only under the following circumstances:

28           (1) Parties seeking to introduce evidence of the failure to wear a safety belt in violation  
29 of this section must first introduce expert evidence proving that a failure to wear a safety belt  
30 contributed to the injuries claimed by plaintiff;

31 (2) If the evidence supports such a finding, the trier of fact may find that the plaintiff's  
32 failure to wear a safety belt in violation of this section contributed to the plaintiff's claimed  
33 injuries, and may reduce the amount of the plaintiff's recovery by an amount not to exceed one  
34 percent of the damages awarded after any reductions for comparative negligence.

35 5. **Except as otherwise provided for in section 307.182**, each [driver] **person** who  
36 violates the provisions of subsection 2 [or 3] of this section is guilty of an infraction for which  
37 a fine not to exceed ten dollars may be imposed. All other provisions of law and court rules to  
38 the contrary notwithstanding, no court costs shall be imposed on any person due to a violation  
39 of this section. In no case shall points be assessed against any person, pursuant to section  
40 302.302, RSMo, for a violation of this section.

41 6. The [department of public safety] **state highways and transportation commission**  
42 shall initiate and develop a program of public information to develop understanding of, and  
43 ensure compliance with, the provisions of this section. The [department of public safety]  
44 **commission** shall evaluate the effectiveness of this section and shall include a report of its  
45 findings in the annual evaluation report on its highway safety plan that it submits to NHTSA and  
46 FHWA pursuant to 23 U.S.C. 402.

47 7. If there are more persons than there are seat belts in the enclosed area of a motor  
48 vehicle, then the [driver and passengers are not in violation of this section.] **passengers who are**  
49 **unable to wear seat belts shall sit in the area behind the front seat of the motor vehicle**  
50 **unless the motor vehicle is designed only for a front-seated area. This subsection shall not**  
51 **apply to passengers who are accompanying a driver of a motor vehicle who is licensed**  
52 **under section 302.178, RSMo.**

**307.182. 1. As used in this section, the following terms shall mean:**

2 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle  
3 Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a  
4 child to properly sit in a federally approved safety belt system;

5 (2) "Child passenger restraint system", a seating system which meets the Federal  
6 Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is  
7 either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt  
8 or a universal attachment system;

9 (3) "Driver", a person who is in actual physical control of a motor vehicle.

10 2. Every driver transporting a child under the age of sixteen years shall be  
11 responsible, when transporting such child in a motor vehicle operated by that driver on the  
12 streets or highways of this state, for providing for the protection of such child as follows:

13           **(1) Children less than four years of age, regardless of weight, shall be secured in**  
14 **a child passenger restraint system appropriate for that child;**

15           **(2) Children weighing less than forty pounds, regardless of age, shall be secured in**  
16 **a child passenger restraint system appropriate for that child;**

17           **(3) Children at least four years of age but less than eight years of age, who also**  
18 **weigh at least forty pounds but less than eighty pounds, and who are also less than four**  
19 **feet, nine inches tall, shall be secured in a child passenger restraint system or booster seat**  
20 **appropriate for that child;**

21           **(4) Children at least eighty pounds or children more than four feet, nine inches in**  
22 **height shall be secured by a vehicle safety belt or booster seat appropriate for that child.**

23           **(5) A child who otherwise would be required to be secured in a booster seat may**  
24 **be transported in the back seat of a motor vehicle while wearing only a lap belt if the back**  
25 **seat of the motor vehicle is not equipped with a combination lap and shoulder belt for**  
26 **booster seat installation.**

27  
28 **This subsection shall only apply to the use of a child passenger restraint system or vehicle**  
29 **safety belt for children less than sixteen years of age being transported in a motor vehicle.**

30           **3. Any driver who violates subdivision (1), (2), or (3) of subsection 2 of this section**  
31 **is guilty of an infraction and, upon conviction, may be punished by a fine of not more than**  
32 **fifty dollars and court costs. Any driver who violates subdivision (4) of subsection 2 of this**  
33 **section shall be subject to the penalty in subsection 5 of section 307.178. If a driver receives**  
34 **a citation for violating subdivision (1), (2), or (3) of subsection 2 of this section, the charges**  
35 **shall be dismissed or withdrawn if the driver prior to or at his or her hearing provides**  
36 **evidence of acquisition of a child passenger restraint system or child booster seat which is**  
37 **satisfactory to the court or the party responsible for prosecuting the driver's citation.**

38           **4. The provisions of this section shall not apply to any public carrier for hire. The**  
39 **provisions of this section shall not apply to students four years of age or older who are**  
40 **passengers on a school bus as defined in section 301.010, RSMo.**

41           **5. The highways and transportation commission shall initiate and develop a**  
42 **program of public information to develop understanding of, and ensure compliance with,**  
43 **the provisions of this section.**

2           [210.104. 1. Every person transporting a child under the age of four  
3 years shall be responsible, when transporting such child in a motor vehicle  
4 operated by that person on the streets or highways of this state, for providing for  
5 the protection of such child. Such child shall be protected by a child passenger  
restraint system approved by the department of public safety.

6                   2. Any person who violates this section is guilty of an infraction and,  
7                   upon conviction, may be punished by a fine of not more than twenty-five dollars  
8                   and court costs.

9                   3. The provisions of sections 210.104 to 210.107 shall not apply to any  
10                  public carrier for hire.]  
11

2                   [210.107. The department of public safety shall initiate and develop a  
3                   program of public information to develop understanding of, and ensure  
4                   compliance with the provisions of sections 210.104 to 210.107. The department  
5                   of public safety shall, within thirty days of September 28, 1983, promulgate  
6                   standards for the performance, design, and installation of passenger restraint  
7                   systems for children under four years of age in accordance with federal motor  
8                   vehicle safety standards and shall approve those systems which meet such  
9                   standards. No rule or portion of a rule promulgated under the authority of  
10                  sections 210.104 to 210.107 shall become effective unless it has been  
11                  promulgated pursuant to the provisions of section 536.024, RSMo.]

2                   Section B. The repeal and reenactment of section 304.351 shall become effective January  
1, 2007.

✓  
Bill

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